

II. REMARKS

The present invention solves the problem of congested networks by placing an indication on which processing is based into the header of a datagram.

It is respectfully submitted that the Examiner is still mistaken concerning Vidrascu. Please notice in Vidrascu et al column 1, lines 57-64:

"For this purpose, the invention is a method of enciphering messages transmitted between networks interconnected via highways using a specified network protocol, characterised in that the messages are enciphered while keeping the "header" part of the message plain (not enciphered) allowing its routing via the highways..."

The Examiner has looked at column 12, lines 1-20, but, for instance, the Finnish patent office in its office action has stated that Vidrascu is actually an 'A' publication (background only) and not an obstacle at all for patenting in Finland. While the USPTO is independent of the Finnish patent office, its comments are useful. According to the Finnish patent office, there is described in Vidrascu a method and device which is used in enciphering messages between two networks. The networks use IP-protocol in the network layer and in the transfer layer TCP- or UDP-protocol. The Finnish patent office further states, that it is characteristic that the IP-header is not enciphered. Instead, at least a part of TCP- or UDP headers are enciphered. The Finnish office mentions parts of the Vidrascu, namely column 1, line 36, column 4, line 44, column 6, lines 18-46, column 11,

lines 11-20, claims 1-12. So, it seems that the Finnish patent office has dealt with the same reference but ranked it as an A publication.

It is respectfully submitted that the Examiner tries to combine two irrelevant techniques to result in the invention.

So, if one still looks at the figure 12, there is an indication that 'part of TCP or UDP header' as has been mentioned in col. 10, lines 49-53, but having a reference to items 84 and 85, which in figures 10 and 11 are related to checksum as in Vidrascu. There is no IP in the figure 12 at all. If an IP item is searched from Vidrascu, such is indicated by a reference numeral 75, whereas UDP or TCP by 76 (col. 10, line 60).

In addition, in col. 2, lines 37-40, it is indicated that a goal of Vidrascu is to provide 64-bit divisional strings. If now one looks also at col. 1, lines 60-62, a skilled man in the art immediately knows that the techniques used in Vidrascu have nothing to do with encrypting the IP header as shown in the claimed invention in the current application.

If one now additionally looks at col. 2, lines 41-63, a skilled man in the art can see the function of CHEKSUM. The abstraction level for the opinions in the office action seems to be so high, that if something is encrypted, there must be a way or a key to do the opposite. How such is implemented with the known techniques in the references and how in the current application using a different way is not stated.

In the description of col. 8, line 38, the item 94 indeed may be involved with retrieval of an encryption key, but taken from a

totally different place than in the current application. It has actually nothing to do with the presently claimed feature of "indication of the information on which the processing is based". If a skilled man in the art looks at Vidrascu col. 8, lines 31-44, it can read on what the Vidrascu teachings of the techniques are based on, but the text indicate in a different manner from that of the present invention. The text relates to SERVER associated keys. Thus a skilled man in the art immediately knows that the techniques in Vidrascu do not relate to the processing. Vidrascu seems to only relate to a key pair between the servers.

In Ghani the congestion bit is not used for encryption. It is said in Ghani, that the techniques therein are aimed at congestion bits, and thus they do not have any relevance to the current invention. If we now also look at the location where Ghani puts his bit, it seems to be into the IP header, not into the TCP, UDP header. Therefore, if Vidrascu and Ghani were somehow combined, a skilled man in the art would be totally amazed at what to do. If Vidrascu were considered to teach to encrypt TCP/UDP header and Ghani to put an indication of the congestion into IP, the teachings won't combine at all. The teaching of Vidrascu still tells not to encrypt the IP-header "...while keeping the 'header' part of the message plain (not enciphered) allowing its routing..."

To summarize, in Ghani congestion bits seem to be put into the IP header and Vidrascu teaches that that what was put into the IP would not be encrypted at all because otherwise the routing does not work well. There is no teaching at all to the skilled man in the art to combine, and even if there were a motivation, which also seems to be lacking for a relevant lawful combination, the result is not the present invention.

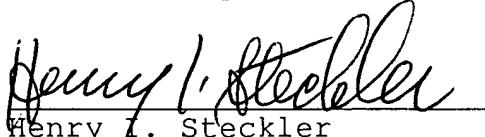
Claim 1 recites "if an IP datagram to be encrypted contains TCP header information used as a basis for the processing, at least an indication of the information on which the processing is based is placed into the header of said datagram."

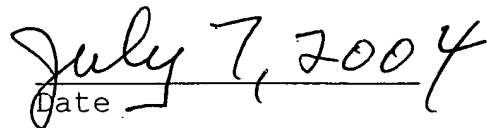
Thus even if the references are somehow combined, the result is not the claimed invention. Thus the rejection of claims 1-11 under 35 USC 103 should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

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Respectfully submitted,


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